

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REGINA JIMENEZ,

Plaintiff,

No. C 07-03360 JSW

v.

NATIONAL ASSOCIATION OF
SECURITIES DEALERS, ET AL,

Defendant.

**NOTICE OF TENTATIVE
RULING AND QUESTIONS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING QUESTIONS FOR THE HEARING SCHEDULED ON
APRIL 18, 2007 AT 9:00 A.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at the hearing. If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, with the reference to pin cites and without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority.

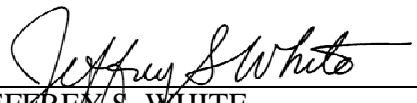
The Court tentatively GRANTS Defendants' motions to dismiss Plaintiff's complaint.

The parties shall each have 15 minutes to address the following questions:

1. If this Court provides Plaintiff leave to amend her complaint with respect to defendants Lawrence Ira Prozan dba Prozan Financial Services and Multi-Financial Securities Corporation (collectively "Prozan Defendants"), what facts would she allege to state a claim against them under the Securities and Exchange Act of 1934, 15 U.S.C. §§ 78a *et seq.* ("Securities and Exchange Act")? On what authority, if any, does Plaintiff rely in support of her argument that the facts she intends to allege state a claim under the Securities and Exchange Act?
2. On what authority, if any, does Plaintiff rely to support her argument that she is not required to exhaust administrative remedies before bringing a claim under the Securities and Exchange Act against the Prozan Defendants in this Court?
3. Does Plaintiff dispute that her professional negligence claim was adjudicated in the underlying arbitration?

IT IS SO ORDERED.

Dated: April 16, 2008


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE